

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

PEDRO A. GARCIA §
VS. § CIVIL ACTION NO. 9:17-CV-72
JOHN P. BOLTON, *et al.*, §

MEMORANDUM ORDER OVERRULING OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, Pedro Garcia, an inmate formerly confined at the Polunsky Unit with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against defendants John P. Bolton, Sean R. Burks, Johnny R. Farris, Patricia Garney, and Joseph Smith.

The Court referred this matter to the Honorable Keith Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends plaintiff's claims against defendant John P. Bolton be dismissed for failure to serve pursuant to Federal Rule of Civil Procedure 4(m) (docket entry no. 77).

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the records, and pleadings. Plaintiff filed objections to the Report and Recommendation of United States Magistrate Judge (docket entry no. 89). This requires a *de novo* review of the objections in relation to the pleadings and applicable law. *See* FED. R. CIV. P. 72(b).

Plaintiff has had over one year to provide this Court with an address in order to effectuate service against defendant John P. Bolton. In his objections, plaintiff complains that his custody restrictions and medication have hindered his ability to locate defendant John P. Bolton. The Court notes, however, that these restrictions have not hindered plaintiff's ability to file numerous pleadings and correspondence with this Court concerning plaintiff's claims against the additional defendants.

As outlined by the Magistrate Judge, plaintiff himself is ultimately responsible for service. Plaintiff has failed to show good cause for failure to serve John P. Bolton.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**.

So **ORDERED** and **SIGNED** **March 20, 2019**.



Ron Clark, Senior District Judge